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9 and Minors A.L., and N.L.

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12 **SUPERIOR COURT OF THE STATE OF CALIFORNIA, COUNTY OF LOS ANGELES**

13 ****** DIVISION**

14 JACQUELINE ARCE, an individual;
15 ANTONIO LANGARICA, an individual; A.L.,
16 a minor, by and through his guardian ad litem,
17 Jacqueline Arce; and N.L., a minor, by and
18 through his guardian ad litem, Jacqueline Arce,

19 Plaintiffs,

20 vs.

21 COUNTY OF LOS ANGELES; LOS
22 ANGELES COUNTY DEPARTMENT OF
23 CHILDREN AND FAMILY SERVICES;
24 NANCY BRYDEN; ROSARIO
25 FERNDANDEZ; PATRICIA PLOEHN;
26 LAURA SHOTZBARGER; SYDNEY
27 TUCKER; LORI WIKLER; ROBERT
28 WOOLRIDGE; EVA YOMTOBIAN;
CHILDRENS HOSPITAL LOS ANGELES;
AUDREY HEPBURN CARES TEAM;
SANDY HIMMELRICH; LISA HORNAK;
KAREN KAY IMAGAWA, M.D;
ELIZABETH WILSON LUCY
POSPACHIAN; and DOES 1 through 50,
inclusive,

Defendants.

Case No.:

Judge:

Dept.:

PLAINTIFFS' COMPLAINT FOR DAMAGES:

- (1) Assault;
- (2) Battery;
- (3) False Imprisonment;
- (4) Negligence
- (5) Negligent Infliction of Emotional Distress
- (6) Fraud and Intentional Deceit
- (7) Violation of Civil Rights (42 U.S.C § 1983)
- (8) Violation of 42 U.S.C. § 1985;
- (9) Violation of 42 U.S.C. § 1986;
- (10) *Monell*-Related Claims;
- (11) Violation of State Civil Rights;
- (12) Intentional Infliction of Emotional Distress;
- (13) Invasion of Privacy
- (14) Stalking
- (15) Declaratory Relief

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26 Plaintiffs JACQUELINE ARCE, ANTONIO LANGARICA, A.L., a minor, by and through his
27 guardian ad litem, Jacqueline Arce, and N.L., a minor, by and through his guardian ad litem,
28 Jacqueline Arce, allege:

PARTIES

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1. At all times relevant to this Complaint, Plaintiffs were residents of Los Angeles County, California. Plaintiff ANTONIO LANGARICA (ANTONIO) is the father of minor Plaintiffs A.L. and N.L. Plaintiff JACQUELINE ARCE (JACQUELINE) is the mother of minor Plaintiffs A.L. and N.L. At the time the incidents giving rise to the causes of action in the Complaint began, A.L. was eleven months old, and N.L. was three years old. **Wanted to double check the birth dates; N.L. is 01/27/2005 and A.L is 10/20/2007.**
2. At all times applicable herein, the COUNTY OF LOS ANGELES was and is a public entity (COUNTY).
3. At all times applicable herein, the LOS ANGELES COUNTY DEPARTMENT OF CHILDREN AND FAMILY SERVICES (DCFS) was and is a subdivision or entity of the COUNTY OF LOS ANGELES.
4. At all times applicable herein, social worker NANCY BRYDEN (BRYDEN) was an individual residing, on information and belief, in the County of Los Angeles, and an officer, agent, and employee of COUNTY and DCFS.
5. At all times applicable herein, social worker ROSARIO FERNANDEZ (FERNANDEZ) was an individual residing, on information and belief, in the County of Los Angeles, and an officer, agent, and employee of COUNTY and DCFS.
6. At all times applicable herein, public health nurse KARL MARUYAMA (MARUYAMA) was an individual residing, on information and belief, in the County of Los Angeles, and an officer, agent, and employee of COUNTY and DCFS.
7. At all times applicable herein, PATRICIA PLOEHN (PLOEHN) was an individual residing, on information and belief, in the County of Los Angeles; the Director of Los Angeles County Department of Children and Family Services; and thereby an officer, agent, and employee of COUNTY and DCFS.
8. At all times applicable herein, social worker LAURA SHOTZBARGER (SHOTZBARGER) was an individual residing, on information and belief, in the County of Los Angeles, and an officer, agent, and employee of COUNTY and DCFS.

- 1 9. At all times applicable herein, social worker SYDNEY TUCKER (TUCKER) was an
2 individual residing, on information and belief, in the County of Los Angeles, and an officer,
3 agent, and employee of COUNTY and DCFS.
- 4 10. At all times applicable herein, social worker LORI WIKLER (WIKLER) was an individual
5 residing, on information and belief, in the County of Los Angeles, and an officer, agent, and
6 employee of COUNTY and DCFS.
- 7 11. At all times applicable herein, social worker ROBERT WOOLRIDGE (WOOLRIDGE) was
8 an individual residing, on information and belief, in the County of Los Angeles, and an officer,
9 agent, and employee of COUNTY and DCFS.
- 10 12. At all times applicable herein, social worker EVA YOMTOBIAN (YOMTOBIAN) was an
11 individual residing, on information and belief, in the County of Los Angeles, and an officer,
12 agent, and employee of COUNTY and DCFS.
- 13 13. Hereinafter, when referred to collectively, the Defendants in paragraphs 4 through 12,
14 inclusive, will be referred to as “SOCIAL WORKER DEFENDANTS.”
- 15 14. At all times applicable herein, CHILDREN’S HOSPITAL LOS ANGELES (CHILDREN’S
16 HOSPITAL) was and is, on information and belief, a private, nonprofit medical center located
17 in the County of Los Angeles.
- 18 15. At all times applicable herein, AUDREY HEPBURN CARES TEAM (CARES) was and is,
19 on information and belief, a program or service of CHILDREN’S HOSPITAL.
- 20 16. At all times herein, KAREN KAY IMAGAWA, M.D. was an individual residing, on informed
21 belief, in the County of Los Angeles; the CARES lead physician, and on information and belief
22 an officer, agent, and employee of CHILDREN’S HOSPITAL and CARES.
- 23 17. At all times applicable herein, social worker SANDY HIMMELRICH (HIMMELRICH) was
24 an individual residing, on information and belief, in the County of Los Angeles; the CARES
25 team coordinator, and on information and belief, an officer, agent, and employee of
26 CHILDREN’S HOSPITAL and CARES.
- 27 18. At all times applicable herein, social worker ELIZABETH WILSON (WILSON) was an
28 individual residing, on information and belief, in the County of Los Angeles; a CARES social

1 worker, and on information and belief, an officer, agent, and employee of CHILDREN’S
2 HOSPITAL and CARES.

3 19. At all times applicable herein, social worker [Insert name of nurse who visited home on
4 10/10/2008] was an individual residing, on information and belief, in the County of Los
5 Angeles; a CARES social worker, and on information and belief, an officer, agent, and
6 employee of CHILDREN’S HOSPITAL and CARES.

7 20. At all times applicable herein, social worker [Insert name of social worker who visited home
8 on 10/10/2008] was an individual residing, on information and belief, in the County of Los
9 Angeles; a CARES social worker, and on information and belief, an officer, agent, and
10 employee of CHILDREN’S HOSPITAL and CARES.

11 21. Hereinafter, when referred to collectively, the Defendants in paragraphs 16 through 20,
12 inclusive, will be referred to as “CARES DEFENDANTS.”

13 22. At all times applicable herein, foster care provider LUCY POSPACHIAN (POSPACHIAN)
14 was an individual residing, on information and belief, in the County of Los Angeles.

15 23. Plaintiffs are ignorant of the true names and capacities of those Defendants sued herein as
16 DOES 1 through 50, and for that reason have sued such Defendants under fictitious names.
17 Plaintiffs will seek leave of Court to amend this Complaint to identify said Defendants when
18 their identities are ascertained. Plaintiffs are informed and believe, and thereon allege, that each
19 of the fictitiously named Defendants was in some manner liable and legally responsible, in that
20 their conduct caused the damages and injuries set forth herein.

21 24. Plaintiffs are informed and believe and on such basis allege that at all relevant times,
22 Defendants, and each of them, were the knowing agents and/or alter egos of one another, and
23 that Defendants directed, ratified, and/or approved the conduct of each of the other Defendants,
24 and each of their agents or employees, and are therefore vicariously liable for the acts and
25 omissions of their co-defendants, their agents and employees, as more fully alleged herein.
26 Moreover, all of the Defendants agreed upon, approved, ratified, and/or conspired to commit
27 all of the acts and/or omissions alleged in this Complaint.

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COMMON ALLEGATIONS

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- 2 25. Plaintiff JACQUELINE was a student at California State University at Northridge (CSUN).
3 CSUN provided subsidized daycare services as part of JACQUELINE’s financial aid package.
4 CSUN gave JACQUELINE a referral to Camp Runnymede Daycare, owned and operated by
5 daycare provider Holly Downs, for her 11 month old son, minor Plaintiff A.L. Minor Plaintiff
6 A.L. began attending daycare on, or about August 26, 2008.
- 7 26. On Tuesday, September 16, 2008, JACQUELINE woke up at 5:30 a.m. to get ready for school.
8 JACQUELINE got A.L. and his brother N.L. ready for daycare and preschool, respectively.
9 JACQUELINE dropped A.L. off at Camp Runnymede Daycare at approximately 7:00 a.m.. He
10 was awake, happy and alert at that time. At 10:23 a.m., JACQUELINE called daycare owner
11 Holly Downs to check on A.L. Downs told JACQUELINE that A.L. was fine, he had just
12 finished his breakfast and was about to lay down for a nap.
- 13 27. At 3:10 p.m., JACQUELINE received a phone call from daycare owner Holly Downs. Downs
14 said that baby A.L. had “had an accident.” She paused for a second and then told
15 JACQUELINE that A.L. had fallen off the bed and he was acting “weird.” Downs sounded
16 panicked and out of breath. JACQUELINE told Downs she was on her way, and hung up. A
17 minute later, Downs called back and told JACQUELINE the paramedics were there, and that
18 they wanted to ask JACQUELINE some questions. Downs handed to phone over to the
19 paramedics. The paramedics asked JACQUELINE routine questions regarding A.L.’s health.
20 JACQUELINE provided as much information as she could, informing the paramedics that A.L.
21 had no known allergies and that his general health was good. JACQUELINE asked the
22 paramedic what was going on, but he wouldn’t give her any details, they just told her A.L. was
23 “acting inappropriately.” The paramedic told JACQUELINE that A.L. was being airlifted to
24 Children’s Hospital Los Angeles (Children’s Hospital), and told her to meet A.L. there.
25 JACQUELINE asked why he was being flown to Children’s Hospital when there was a
26 hospital five minutes from the daycare, and the paramedic responded that A.L. “needed proper
27 treatment and Children’s Hospital is the only place where he can receive that treatment.”
- 28 28. JACQUELINE phoned her husband ANTONIO at work and explained the situation. The two

1 met and then headed to the hospital together. JACQUELINE was on the phone with the
2 Emergency Room staff the entire drive, answering questions.

3 29. When JACQUELINE and ANTONIO arrived at Children’s Hospital they were met by ER
4 Social Worker Brett McGillivry. McGillivry told JACQUELINE and ANTONIO that A.L. had
5 just arrived and was getting an MRI. Within a few minutes a team of eleven doctors and nurses
6 arrived with A.L. [Where were you when the doctors arrived with A.L.?] The parents asked
7 what was wrong with A.L. One of the doctors told them that A.L. arrived at Children’s
8 Hospital with severe seizures. A.L. was stable but if he continued to have seizures he would
9 have to be stabilized and a breathing tube would have to be inserted. The doctors believed that
10 A.L. was bleeding from his brain but they did not know where. The doctors were waiting to
11 see the results of the MRI. The doctor told JACQUELINE and ANTONIO that A.L. did not
12 have any visible bumps or bruises, and to suffer from such seizures he would have had to fall
13 from the roof of a house, not a bed. Another doctor asked JACQUELINE how A.L. fell, and
14 if he had fallen on his right or left side. JACQUELINE responded that she did not know,
15 because she was not present when the incident occurred, but she would call the daycare owner
16 to get the answers they needed.

17 30. At 5:10 p.m., JACQUELINE sat down next to ANTONIO and Social Worker McGillivry and
18 called Holly Downs to find out exactly what had happened to A.L. At this time, Downs
19 changed her story, now telling JACQUELINE that A.L. never fell off a bed. Downs said A.L.
20 was asleep in his crib, and she took another child out of the room to get the child ready to be
21 picked up by her mother. Downs said A.L. started to cry, but she ignored him and left him in
22 the crib. Downs told JACQUELINE that she was in the next room, and she could hear A.L. but
23 could not see him. Downs said she went to check on A.L. after he had stopped crying, and she
24 saw him in the crib, “lying limp like a noodle.” JACQUELINE asked Downs if A.L. was on
25 the floor, and Downs said no, he was in the crib. At that time, Social Worker McGillivry
26 motioned to JACQUELINE to end the call with Downs, so she did.

27 31. McGillivry told JACQUELINE and ANTONIO that Holly Downs was lying. Downs had
28 previously told McGillivry and the paramedics a different story involving a fall from a

1 changing table. McGillivry told JACQUELINE and ANTONIO that he was going to call the
2 police.

3 32. Some time between 7:00 and 9:00 p.m., Officers Bina and Siegel of the Los Angeles Police
4 Department (LAPD) arrived at Children's Hospital to question JACQUELINE and ANTONIO.
5 The officers had JACQUELINE and ANTONIO fill out a child abuse report. McGillivry stated,
6 to Officers Seigal and Bina, that through his experience as a social worker he believed
7 JACQUELINE and ANTONIO were acting appropriately for this incident. McGillivry further
8 stated that he believed JACQUELINE and ANTONIO were not responsible for A.L.'s injuries
9 and that they could remain with A.L..

10 33. The MRI results showed that there was blood in A.L.'s brain. Further testing was required. The
11 next morning, (Wednesday, September 17, 2008), A.L. woke up at approximately 6:30 a.m.
12 A.L. underwent various tests, including a second MRI, a skeletal exam, and an eye exam.

13 34. At approximately 7:30 p.m., ophthalmologist Dr. Lee informed JACQUELINE and ANTONIO
14 that the eye exam confirmed that A.L. had retinal hemorrhaging in both eyes. The MRIs
15 showed that A.L. had an acute subdural hematoma on the left side of his brain which was the
16 cause of the seizures. According to the doctors, these symptoms are usually indicative of
17 Shaken Baby Syndrome.

18 35. At 7:51 p.m., ANTONIO called Holly Downs to find out what had really happened to A.L.
19 Downs told ANTONIO yet another different story. She told him that A.L. had been hitting his
20 head all day with a rack of toys, and that he had fallen from a changing table twice.

21 36. After ANTONIO ended his call with Holly Downs, he and JACQUELINE went upstairs to see
22 A.L. They were met by Emergency Children's Social Worker (CSW) Shawn Rivas, who had
23 come to Children's Hospital to question JACQUELINE and ANTONIO, and to observe A.L..
24 CSW Shawn Rivas conducted interviews of JACQUELINE and ANTONIO, as part of DCFS's
25 investigation. CSW Rivas noted that N.L. appeared comfortable in the presence of his parents.
26 Jessica and Ignacio Gomez, JACQUELINE's sister and brother-in-law, stated in their
27 interview with CSW Rivas that they never witnessed any type of child abuse at the hands of
28 JACQUELINE or ANTONIO. CWS Rivas spoke with LAPD Van Nuyes Detective Shapiro,

1 who stated that the LAPD was charging the child care provider DOWNS with aggravated
2 assault for the injuries to A.L.. Detective Shapiro noted that one factor in the LAPD's basis for
3 this charge was that DOWNS repeatedly changed her story of the incident.

4 37. On Thursday, September 18, 2008, JACQUELINE and ANTONIO met with Detective Mark
5 DeLeon and his partner [Do you know the name of DeLeon's partner?] as well as CARES team
6 social worker Lisa Hornak. JACQUELINE and ANTONIO were interviewed, and the
7 interview was recorded.

8 38. On Friday, September 19, 2008, JACQUELINE spent the whole day at Children's Hospital
9 with A.L. She and ANTONIO were going to switch shifts in the evening, so that he could
10 spend time with A.L. and she could go home to spend time with N.L. At approximately 2:00
11 p.m., JACQUELINE took a nap with A.L. She was awakened by two social workers informing
12 her that she had to leave the hospital. They told JACQUELINE they were putting a "hold" on
13 A.L. because it was unclear how or by whom A.L. had been injured. The social workers said
14 if she wanted to see A.L. she would have to make an appointment with the next available social
15 worker, and there were no guarantees that she would be allowed to see A.L., it depended upon
16 whether the social workers were busy. JACQUELINE was terrified and distraught. There was
17 no warrant or court order obtained by the social workers authorizing the detention of the child
18 A.L. Similarly, there was no reasonable or articulable evidence in the possession of the social
19 workers to support a reasonable suspicion that either JACQUELINE OR ANTONIO had
20 abused the child A.L. or to suggest that the child was in imminent danger of sustaining bodily
21 injury if left in the care of the parents. This is especially so in light of the fact that when the
22 ouster occurred both mother and child were still in the hospital under the eye of county social
23 workers.

24 39. At the exact same time that the social workers were kicking JACQUELINE out of the hospital,
25 she received a call from her sister, who said a social worker and two police officers were at the
26 house to remove N.L. Neither JACQUELINE nor her sister Jessica were given a warrant, court
27 order authorizing the removal of N.L., or any other paper work explaining what was
28 happening, and why. Moreover, there was no reasonable or articulable evidence in the

1 possession of the social workers to support a reasonable suspicion that either JACEQUELINE
2 or ANTONIO had abused the child N.L. or to suggest that the child was in imminent danger
3 of sustaining bodily injury if left in the care of the parents.

4 40. [What events transpired at the house when the social worker removed N.L.? Was the house
5 searched? Did the social worker attempt to take your sister's kids at this time? How long were
6 they at the house before removing N.L.?)

7 41. JACQUELINE went downstairs to the hospital lobby to wait for her husband ANTONIO. As
8 soon as ANTONIO arrived, the two of them called the DCFS command post. Confused and
9 upset, they left several voice mails for social worker EVA YOMTOBIAN, who they
10 understood was responsible for removing minor child N.L from their care.

11 42. On information and belief, public health nurse KARL MARUYAMA conducted a physical
12 examination of minor Plaintiff N.L., searching for signs of sexual or physical abuse.
13 MARUYAMA conducted this examination without N.L.'s consent, without the consent and
14 presence of N.L.'s parents, without a warrant or court order authorizing the examination, and
15 in the absence of exigent circumstances.

16 43. On the morning of Saturday, September 20, 2008, JACQUELINE received a phone call from
17 one of the nurses at Children's Hospital, informing her that A.L. had a seizure at 6:30 a.m., and
18 had been given medication. JACQUELINE received a call reporting another seizure at
19 approximately 2:30 p.m. JACQUELINE became even more terrified and distraught and called
20 DCFS repeatedly to make an appointment to see A.L. DCFS refused to allow either parent
21 visitation with A.L. at that time.

22 44. JACQUELINE and ANTONIO also made repeated phone calls to DCFS to determine the
23 whereabouts of their other son, N.L. Finally, on Sunday morning (September 21, 2008), social
24 worker YOMTOBIAN left a message with foster mother Lucy Pospachian's phone number,
25 where N.L. could be reached. JACQUELINE and ANTONIO called and spoke with N.L. N.L.
26 began to sob uncontrollably when he spoke with his parents, but JACQUELINE and
27 ANTONIO assured N.L. they would come get him as soon as they could. Later in the day
28 JACQUELINE and ANTONIO were able to speak with Command Post Supervisor Gaston.

1 They arranged a TDM (Team Decision Making) meeting on Monday morning at the Santa
2 Clarita Regional Office.

3 45. On Monday, September 22, 2008, JACQUELINE and ANTONIO, along with JACQUELINE's
4 sister Jessica Arce Gomez, Jessica's husband Ignacio Gomez, and family friend Alicia Silva,
5 drove to the Santa Clarita Regional Office to meet with social worker EVA YOMTOBIAN,
6 her supervisor SYDNEY TUCKER, DCFS nurse KARL MARUYAMA, and mediator Jose
7 Parada. During the meeting, Plaintiffs were informed that a court order was already in place
8 and there was nothing they could do. This was a lie. At this time no warrant or court order had
9 been obtained. The dependency petition was not filed until September 24, 2008.

10 46. After the meeting, YOMTOBIAN and TUCKER discussed removing Jessica and Ignacio's
11 children from the home as well. Jessica and Ignacio's younger son was recently diagnosed with
12 liver cancer and was in the process of getting a blood transfusion. Jessica was so worried that
13 DCFS would take her children away that she called her social worker at UCLA **Is this UCLA**
14 **hospital? And What is the social workers name?** for help. UCLA got involved, and DCFS
15 agreed to leave the Gomez family alone.

16 47. During this time, JACQUELINE and ANTONIO were in constant contact with A.L.'s nurses.
17 The nurses informed Plaintiffs that social worker YOMTOBIAN had been inquiring about
18 A.L.'s release from the hospital, and was looking for foster parents. JACQUELINE and
19 ANTONIO decided they needed to consult an attorney. They spoke with several lawyers and
20 ultimately set up a meeting with Gary Haddah on Tuesday, September 23, 2008.

21 48. On Wednesday, September 24, 2008, Defendants EVA YOMTOBIAN and DCFS filed
22 Juvenile Dependency Petitions for A.L. and N.L. under section 300 of the California Welfare
23 and Institutions Code. In this report, Defendants maliciously fabricated evidence and failed to
24 disclose exculpatory evidence. For example, in the 300 Petition, Defendant YOMTOBIAN
25 states that (1) Plaintiffs JACQUELINE and ANTONIO failed to provide any explanation for
26 A.L.'s injuries; (2) the injuries would not ordinarily occur except as the result of deliberate
27 unreasonable and neglectful acts by A.L.'s *parents*, who had care, custody and control of A.L.;
28 (3) the *parents'* deliberate, unreasonable and neglectful acts endanger the A.L.'s physical and

1 emotional, safety, and well-being; (4) the *parents'* deliberate, unreasonable and neglectful acts
2 create a detrimental home environment; and (5) the *parents'* deliberate, unreasonable and
3 neglectful acts place A.L. and N.L. at risk of physical and emotional harm, damage and danger.
4 Not only was there no evidence at that time to support the allegations, but the statements
5 contained in the petition and attested to under penalty of perjury were knowingly false. In
6 addition, YOMTOBIAN failed to include important exculpatory information in the 300
7 petition, namely, that the LAPD was treating daycare owner Holly Downs as its primary
8 suspect, and increased the charges to aggravated assault following their investigation.

9 49. The same day (September 24th, 2008), Defendants EVA YOMTOBIAN, SYDNEY TUCKER,
10 PATRICIA PLOEHN and DCFS/COUNTY filed a Detention Report and an Addendum Report
11 filled with more unsupported conclusions, malicious lies, and exculpatory omissions. In the
12 September 24th Detention Report, Defendant YOMTOBIAN notes that Detective Shapiro of
13 the LAPD reported that daycare provider Holly Downs was being charged with aggravated
14 assault because Downs had changed her version of the events. YOMTOBIAN's report states
15 that the information gathered in her assessment "clearly indicates" physical abuse by the
16 parents, and the family was categorized as "very high risk" for future abuse. In the Addendum
17 Report dated September 24, 2008, Defendants recommended no reunification services for
18 parents JACQUELINE and ANTONIO, pursuant to WIC §361.5. YOMATOBIAN made the
19 above statements in her court reports knowing there was no evidence to support the statements
20 and that the statements were in fact untrue. Plaintiffs are informed and believe and thereon
21 allege that YOMOTOBIAN's misstatements and fabrications of evidence were motivated by
22 anger toward Plaintiffs because Plaintiffs questioned her authority and motives.

23 50. JACQUELINE, ANTONIO, and their lawyer Gary Haddah arrived at Edelman Children's
24 Court in Monterey Park at 8:30 a.m. on September 24, 2008. Plaintiffs waited nearly eight
25 hours before obtaining a ruling from the court. The court ordered A.L. and N.L. returned to the
26 custody of their parents, JACQUELINE and ANTONIO. The court stated that Plaintiffs
27 JACQUELINE and ANTONIO posed no immediate threat to their children, and that there was
28 no evidence that the parents had done anything wrong. Despite the Court's finding that there
was a lack of evidence against Plaintiffs, the COUNTY and SOCIAL WORKERS did not

1 dismiss the dependency petition. This in spite of DCFS's knowledge that there was no
2 evidence to support the allegations of the petition. DCFS would continue to interfere in
3 Plaintiffs' lives until the dependency case was dismissed (for a total lack of evidence), which
4 did not occur until March 26, 2009. And even then, DCFS continued to harass Plaintiffs until
5 they were forced move out of Los Angeles County, on the advice of their counsel, to avoid
6 further harassment by Defendants.

7 51. Daycare provider Holly Downs was also in court on September 24, 2008. Plaintiffs are
8 informed and believe and on that basis allege that Downs's two adopted sons had also been
9 removed from their home. However, Downs's children were returned to her custody, and
10 DCFS dropped the case against her without significant investigation.

11 52. A.L. and N.L. were returned to their parents late in the evening on September 24, 2008. N.L.
12 appeared thin and frail, as though he had not eaten in the five days he was away from his
13 parents and his home. The next day, JACQUELINE took A.L. and N.L. to their pediatrician,
14 Dr. Janseri DeSilva, to assess their health. Dr. DeSilva noticed two bruises on N.L.'s upper left
15 arm. When Dr. DeSilva asked N.L. how he got the bruises, he responded "Lucy [foster mother]
16 hit me because I cried for my mommy and daddy." Dr. DeSilva said she had to report what
17 N.L. said.

18 53. The following week [Do you remember the date?], social worker YOMTOBIAN arrived at the
19 Arce-Langarica home to speak with N.L. N.L. was visibly afraid of YOMTOBIAN; he hid
20 behind JACQUELINE and would not speak. YOMTOBIAN grew impatient and upset that
21 N.L. would not talk to her. She attempted to speak with N.L. alone, but he would not go near
22 her. YOMTOBIAN accused JACQUELINE of putting ideas in N.L.'s head. JACQUELINE
23 replied that there was no way N.L. got the bruises at home, as he had been in a foster home for
24 the past five days, and in any event, N.L. told the doctor, not JACQUELINE, that foster mother
25 Lucy was the one who caused the bruises. YOMTOBIAN replied in an, angry, obnoxious, and
26 haughty manner that JACQUELINE shouldn't "assume" anything. YOMTOBIAN took no
27 photographs of N.L.

28 54. Over the next several weeks, additional social workers became involved in the case. On [Do

1 **you remember the date?**, social worker LORI WINKLER and DCFS nurse KARL
2 MARUYAMA arrived unannounced at the Arce-Langarica home. WINKLER and
3 MARUYAMA gave JACQUELINE a minute order and a form with various therapy centers
4 listed. They told her, without explanation, that she had no choice but to sign the form stating
5 she received all the paperwork, so she did. JACQUELINE later discovered that the sheet they
6 told her she had to sign was the signature page agreeing to the DCFS Case Plan. WINKLER
7 and MARUYAMA did not disclose the true nature of the document at the time they told
8 JACQUELINE to sign it, and in fact tricked her into signing the case plan.

9 55. ANTONIO went to the Santa Clarita regional office to look over the same paperwork. After
10 reading the case plan, however, ANTONIO refused to sign anything, because the case plan
11 implied that ANTONIO and JACQUELINE were guilty of physical abuse and/or severe neglect
12 of their children.

13 56. On Monday, October 6, 2008, ANTONIO was watching A.L. in their home. In the evening,
14 A.L. was using his walker barefoot, and caught his ankle between a raised part of the floor and
15 the walker, resulting in a small bruise on his ankle. JACQUELINE did not notice because
16 everyone was asleep when she got home from school. ANTONIO forgot to mention it before
17 he left for work the next morning. JACQUELINE thought maybe it was because A.L.'s shoes
18 were too tight. She mentioned it to ANTONIO Tuesday evening, and ANTONIO explained
19 what happened with the walker.

20 57. On Thursday, October 9, 2008, A.L. broke out in a rash, so JACQUELINE took him to the
21 pediatrician. Dr. DeSilva noticed the bruise on A.L.'s ankle as she was examining him, and
22 asked what happened. JACQUELINE explained what had occurred with A.L. and his walker.
23 Dr. De Silva did not seem concerned, but she did advise JACQUELINE that the walker wasn't
24 safe for A.L. anymore.

25 58. The following day, October 10, 2008, ELIZABETH WILSON from the CARES team at
26 Children's Hospital left a message for JACQUELINE stating that she needed to speak to her
27 urgently regarding A.L. When JACQUELINE returned WILSON's call, WILSON told her she
28 needed to take A.L. to the Emergency Room at Children's Hospital immediately.

1 JACQUELINE asked why, was there something wrong? WILSON responded that they needed
2 to check A.L.'s foot because it was probably broken. JACQUELINE did not understand what
3 was happening, and was hesitant to take A.L. to Children's Hospital, for fear they would take
4 her children again without cause. JACQUELINE informed WILSON that she couldn't take
5 A.L. to the hospital until ANTONIO got home from work.

6 59. JACQUELINE immediately called ANTONIO, who came directly home. ANTONIO called
7 WILSON and asked what was going on. WILSON lied to ANTONIO and told him that
8 JACQUELINE called WILSON because she thought A.L.'s foot might be broken and she was
9 concerned. When confronted, WILSON changed her story stating that the pediatrician, Dr.
10 DeSilva, called Dr. Imagawa, the lead physician for the CARES team at Children's Hospital
11 Los Angeles regarding the bruise on A.L.'s foot, and they believed JACQUELINE and/or
12 ANTONIO had hurt A.L. When ANTONIO pointed out WILSON's changing stories, she
13 became angry and began to antagonize ANTONIO, laughing at him and telling him DCFS was
14 going to take the children away again. ANTONIO was extremely upset, and he and WILSON
15 began yelling at each other until WILSON hung up the phone. WILSON's actions went beyond
16 those of a medical/service program administered by a non-profit hospital, but rather were those
17 of a social worker conducting an investigation well after initial reports were made to DCFS.

18 60. JACQUELINE and ANTONIO then called social worker Amanda Mason and apprised her of
19 the situation. She advised Plaintiffs to take A.L. to the hospital, not necessarily Children's
20 Hospital, because DCFS simply wanted to get A.L. checked out by a doctor.

21 61. Shortly thereafter, JACQUELINE received a phone call from ELIZABETH WILSON.
22 WILSON told JACQUELINE that a nurse and a social worker were headed to the Arce-
23 Langarica home to examine A.L. and if need be A.L. would be taken to the E.R. At this point
24 in time, there was no extant order from the court authorizing social services to interfere in the
25 medical treatment or decisions relating to A.L.

26 62. The nurse [Do you know the nurses name? Was she from DCFS or CARES] and the social
27 worker [Do you know the social workers name? Was she from DCFS or CARES] arrived at
28 the house, examined A.L. and took pictures of his foot. They then interviewed JACQUELINE

1 and ANTONIO. Finally, they directed JACQUELINE and ANTONIO to go to the hospital.
2 Plaintiff parents, felt unduly pressured to participate as directed, and told the nurse and social
3 worker they would not go to Children's Hospital, so they went to Holy Cross Hospital in
4 Mission Hills. The doctors at Holy Cross were very upset that they had to run x-rays on a
5 bruise. Several weeks later JACQUELINE and ANTONIO received a letter from DCFS
6 regarding the incident that stated there was no evidence of abuse or neglect.

7 63. During this time, N.L.'s behavior was becoming increasingly aggressive, so JACQUELINE
8 and ANTONIO decided to get him therapy in order to help him deal with his emotions. They
9 began going [Did you go as a family?] to Marissa Cordero at Hathaway Sycamores Children's
10 Center in Pacoima, California. They began in October, going twice a week. After [For how
11 long did you make two visits a week?] they started going once a week. Cordero saw N.L.'s
12 aggressive behavior first hand, and witnessed one incident where N.L. tried biting
13 JACQUELINE while A.L. was in her arms. N.L. had frequent panic attacks, always worried
14 that his parents were going to leave him or that he was going to be taken away. N.L. was also
15 terrified of strangers. Every time people came to the house N.L. would run and hide or cry
16 uncontrollably. Cordero began coming to the family home to help N.L. get over his newly
17 developed fear of guests.

18 64. A.L. was also not himself for the first several months following the harassment by DCFS and
19 its agents, defendants herein. He was strong and growing steadily and had not suffered from
20 further seizures, but he had constant nightmares that were only alleviated by sleeping in his
21 parents' bed. He became extremely attached to JACQUELINE and wanted to be carried at all
22 times. A.L. was afraid to be held by other women, or to even be near them. A.L. was examined
23 by the Regional Center and after several exams was determined to be approximately twenty
24 percent behind the curve with respect to his motor skills. He was not qualified to begin speech
25 therapy until he was eighteen months old. He was accepted into the program but did not
26 ultimately attend as the family moved out of town at the time he was slated to begin, due to the
27 continued harassment of the family by DCFS and its agents.

28 65. On November 3, 2008, Defendants ROBERT WOOLRIDGE, NANCY BRYDEN, PATRICIA

- 1 PLOEHN, and DCFS/COUNTY submitted a Jurisdiction/Disposition Report to the Court. This
2 report included and knowingly reiterated the false allegations from the original 300 Petition.
3 66. Despite the overwhelming evidence implicating Holly Downs, and the lack of evidence
4 pointing toward JACQUELINE and ANTONIO, the November 3rd report quotes the language
5 from the September 24th Detention Report where YOMTOBIAN maliciously and falsely states
6 that the information “clearly indicates” physical abuse by the parents. The report then sets out
7 to falsely vilify Plaintiffs JACQUELINE and ANTONIO, setting forth many false and
8 misleading accusations, including, but not limited to the following: (1) ANTONIO was violent
9 (2) ANTONIO was just like “Sybil” with two personalities; (3) the social worker experienced
10 ANTONIO’s “wrath”; (4) JACQUELINE “hid” the bruise on A.L.’s foot from her primary care
11 physician; (5) if ANTONIO wasn’t guilty then he would not have cussed out the social worker
12 or hung up on her [though the social worker stated that *she* actually hung up on ANTONIO];
13 (6) ANTONIO is like “the Joker in Batman” with a “maniacal” laugh that was “very
14 disturbing”; (7) something was “not right” with the explanation of the bruise on A.L.’s foot,
15 and A.L.’s feet probably don’t even go anywhere near the walker [though the speaker had
16 never seen said walker]; (8) JACQUELINE and ANTONIO “could have easily shaken” A.L.
17 the night before or in the morning; (9) and ANTONIO acts like a “maniac.”
- 18 67. The November 3rd report goes on to say that DCFS remains concerned about several key issues
19 that cannot be resolved: (1) A.L. sustained life-threatening non-accidental injuries that cannot
20 be explained by either parent or any other relevant parties; (2) ANTONIO acted in an
21 uncontrollable and irrational manner on several occasions, leading Defendants to believe he
22 lacks appropriate coping skills and may suffer from poor impulse control; and (3) DCFS cannot
23 make a definitive determination that JACQUELINE and ANTONIO were not responsible for
24 A.L.’s injuries. These lies and half-truths were maliciously set forth by Defendants, with an
25 utter disregard for Plaintiffs’ rights. Defendants recommended that A.L. and N.L. be declared
26 dependents of the Court under WIC §300(a), (b), (e) and (j), that custody of A.L. and N.L. be
27 removed from JACQUELINE and ANTONIO, and that A.L. and N.L. be placed in foster care.
- 28 68. On information and belief, JACQUELINE, and ANTONIO in particular, failed to give

1 sufficient deference to Defendants COUNTY, DCFS, SOCIAL WORKER DEFENDANTS,
2 and DOES 1 through 50 thereby inciting Defendants and each of them to anger. As a result,
3 these Defendants set out to teach Plaintiffs a lesson and to subjugate Plaintiffs regardless of
4 the lack of any evidence against them. Defendants possessed the most powerful weapon
5 imaginable with which to teach this lesson— the ability to take Plaintiffs’ children from them,
6 forever and/or to constantly interfere in Plaintiffs’ private family life for a prolonged period
7 of time.

8 69. On December 9, 2008, Defendants ROBERT WOOLRIDGE, NANCY BRYDEN, PATRICIA
9 PLOEHN, and DCFS/COUNTY submitted a Supplemental Report to the Court. Under prior
10 child welfare history, the report states that there was a *substantiated* referral for severe neglect
11 and/or physical abuse *by the parents*. This statement was a knowingly false statement. In the
12 very next sentence, however, the report states that A.L. is an alleged victim of severe neglect
13 and possible physical abuse by *an unknown perpetrator*, and sibling N.L. is at risk as well.
14 These statements were false. The December 9th report repeats the false and misleading
15 allegations from the original §300 petition, cites the same “key issues”, and makes the same
16 recommendations to the Court as the previous reports (declare children dependents of the
17 court, remove custody from parents, and place children in foster care). On information and
18 belief, Defendants draw the Court’s attention to these spurious issues in order to wrongly and
19 falsely influence the Court against Plaintiffs. The conclusion of this report is the same as all
20 of the others, despite the fact that social worker Amanda Mason reported multiple successful
21 home visits, where the children were happy, healthy, and well-supervised, and there were no
22 signs of abuse or anything else suspicious.

23 70. On March 18, 2009, Defendants ROBERT WOOLRIDGE, NANCY BRYDEN, LAURA
24 SHOTZBARGER, PATRICIA PLOEHN and DCFS/COUNTY submitted an Updated
25 Supplemental Report to the Court. [Was there a hearing on 3/18 and 3/26, did it get held over
26 or something? Is there a 3/26 report?] It repeated the same lies and half-truths as the previous
27 reports.

28 71. On March 26, 2009, the court dismissed the petitions for A.L. and N.L. based on insufficient

1 evidence. Even after the case was dismissed, Defendants, and each of them, continued to
2 maliciously harass, annoy, and interfere with the lives of Plaintiffs. Following the dismissal
3 of the case, social worker Mason left a message saying she needed to see A.L and N.L. again.
4 ANTONIO called back to find out why, and [What is the name of the Supervisor? Was it Anna
5 Jeong?], Mason's supervisor, said that there was paperwork pending in the courts, and
6 meanwhile, they still needed to see the boys on a monthly basis. [What is the name of the
7 Supervisor? Was it Anna Jeong?] would not provide any details as to the nature of this
8 "pending paperwork." ANTONIO called their attorney, Gary Dabbah, who informed him that
9 DCFS had filed an application for rehearing of the case before a different judge. Dabbah told
10 Plaintiffs not to worry, that he would take care of it. He called DCFS on Plaintiffs' behalf and
11 told them to stop harassing Plaintiffs. Despite repeated admonitions from Plaintiffs Juvenile
12 Dependency attorney, DCFS and its agents continued to maliciously harass Plaintiffs without
13 cause or authority to do so. The harassment was so intense that Plaintiffs left town in order to
14 end the terror.

15 72. [What additional specific facts show the economic injury that you have suffered?] In addition
16 to the mental and emotional trauma caused by the incidents described above, Plaintiffs also
17 suffered serious economic injury. JACQUELINE was forced to drop out of school at CSUN
18 in order to care for her children and defend herself in court. She has been unable to return to
19 school since the incident because she must first pay a \$3,500 penalty for the emergency
20 withdrawal and she lacks the funds to do so. Plaintiff ANTONIO was fired from his job after
21 missing so many days as a result of hospital visits, meetings, court appearances, and other
22 obligations attendant to the dependency proceedings. ANTONIO was only just recently able
23 to find comparable employment. Further, Plaintiffs were forced to move out of town to escape
24 the constant harassment by DCFS.

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FIRST CAUSE OF ACTION FOR ASSAULT
By Plaintiffs A.L. and N.L.
Against County, DCFS, Social Worker Defendants, Lucy Pospachian
and Does 1 through 50, Inclusive

73. Plaintiffs reallege, and incorporate herein as if set forth in full, paragraphs 1 through 72 above.

COUNT ONE
By Plaintiffs A.L. and N.L.
Against County, DCFS, Social Worker Defendants,
and Does 1 through 50, Inclusive

74. Plaintiff is informed and believes and on such basis alleges that the right to familial association guaranteed under the Fourteenth Amendment is “clearly established” such that a reasonable social worker in Defendants’ situation would know it is wrong to interfere in a parent’s custodial rights, and/or a child’s right to remain with its parents, in the absence of exigent circumstances without first obtaining a warrant to do so.

75. In the absence of exigent circumstances, and without any evidence to suggest that either child was in imminent danger of suffering serious bodily injury at the hands of either Plaintiff Parent, DEFENDANTS, and each of them, by their conduct caused and/or intended to cause minor Plaintiffs A.L. and N.L. great apprehension and fear of harmful contact to their persons. Each of the individual SOCIAL WORKER DEFENDANTS participated in, conspired with, approved of, and/or aided and abetted the conduct of the remaining DEFENDANTS, and each of them.

76. The imminent harmful contact included, but was not limited to, SOCIAL WORKER DEFENDANTS’ removal, detention, and continued detention of minor Plaintiffs A.L. and N.L. as stated herein, and by maliciously making false accusations of neglect and abuse of minor Plaintiffs by their parents for use as evidence in the aforementioned Juvenile Court proceedings.

77. As the direct and proximate result of these DEFENDANTS’ actions, minor Plaintiffs A.L. and N.L. have suffered, and will continue to suffer, physical, mental, and emotional injury, all to an extent and in an amount subject to proof at trial.

78. Defendant COUNTY and its entity DCFS are vicariously responsible for the conduct of the SOCIAL WORKER DEFENDANTS, and DOES 1 through 50, Inclusive, under Government

1 Code Section 815.2 and applicable other statutory and case law.

2 79. On information and belief, SOCIAL WORKER DEFENDANTS and each of them, acted with
3 malice and with the intent to cause injury to minor Plaintiffs A.L. and N.L., or acted with a
4 willful and conscious disregard of the rights of Plaintiffs in a despicable, vile, and contemptible
5 manner by removing the children and detaining said children from their parents without legal
6 or factual cause to do so. Therefore, Plaintiffs are entitled to an award of punitive damages for
7 the purpose of punishing SOCIAL WORKER DEFENDANTS, and to deter them and others
8 from such conduct in the future.

9 **COUNT TWO**
10 **By Plaintiff N.L.**
11 **Against Lucy Pospachian and Does 1 through 50, Inclusive**

12 80. Plaintiff is informed and believes that DEFENDANT POSPACHIAN, by her conduct caused
13 and/or intended to cause minor Plaintiff N.L. great apprehension and fear of harmful contact
14 to his person.

15 81. Plaintiff is informed and believes that the apprehension and fear of imminent harmful contact
16 occurred directly before DEFENDANT POSPACHIAN intentionally struck minor Plaintiff
17 N.L. because he was crying for his mother and father.

18 82. The minor Plaintiff N.L. did not personally, nor through his actions, expressly or by
19 implication consent to being struck. Rather minor Plaintiff N.L. acted as a scared child would,
20 who had been forcefully separated from his parents.

21 83. As the direct and proximate result of DEFENDANT POSPACHIAN's actions, minor Plaintiff
22 N.L. suffered, and will continue to suffer, physical, mental, and emotional injury, all to an
23 extent and in an amount subject to proof at trial.

24 84. On information and belief, DEFENDANT POSPACHIAN, acted with malice and with the
25 intent to cause injury to minor Plaintiff N.L., or acted with a willful and conscious disregard
26 of the rights of Plaintiff in a despicable, vile, and contemptible manner by striking a crying
27 child. Therefore, Plaintiff is entitled to an award of punitive damages for the purpose of
28 punishing DEFENDANT POSPACHIAN, and to deter her from such conduct in the future.

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SECOND CAUSE OF ACTION FOR BATTERY
By Plaintiffs A.L. and N.L.
Against County, DCFS, Social Worker Defendants, Lucy Pospachian
and Does 1 through 50, Inclusive

85. Plaintiffs reallege, and incorporate herein as if set forth in full, paragraphs 1 through 72, 73 through 78, and 80 through 83 above.

COUNT ONE
By Plaintiffs A.L. and N.L.
Against County, DCFS, Social Worker Defendants,
and Does 1 through 50, Inclusive

86. Plaintiff is informed and believes and on such basis alleges that the right to familial association guaranteed under the Fourteenth Amendment is “clearly established” such that a reasonable social worker in Defendants’ situation would know it is wrong to interfere in a parent’s custodial rights in the absence of exigent circumstances without first obtaining a warrant to do so.

87. In the absence of exigent circumstances, and without any evidence to suggest that either child was in imminent danger of suffering serious bodily injury at the hands of either Plaintiff Parent, DEFENDANTS, and each of them, did make, or caused or allowed others to make, harmful and un-consented contact with minor Plaintiffs A.L. and N.L.’s bodies as they were unlawfully removed and detained by DEFENDANTS. Each of the individual SOCIAL WORKER DEFENDANTS participated in, conspired with, approved of, and/or aided and abetted the conduct of the remaining DEFENDANTS.

88. At no time did minor Plaintiffs A.L. or N.L consent, constructively or otherwise, to such contact(s), nor was legal consent obtained by law, by court order, or from minor Plaintiffs’ parents.

89. As a direct and proximate result of these DEFENDANTS’ actions, minor Plaintiffs A.L. and N.L. have suffered, and will continue to suffer, physical, mental, and emotional injury, all to an extent and in an amount subject to proof at trial.

90. Defendant COUNTY and its entity DCFS are vicariously responsible for the conduct of the SOCIAL WORKER DEFENDANTS, and DOES 1 through 50, Inclusive, under Government Code Section 815.2 and applicable other statutory and case law.

1 91. On information and belief, SOCIAL WORKER DEFENDANTS and each of them, acted with
2 malice and with the intent to cause injury to minor Plaintiffs A.L. and N.L., or acted with a
3 willful and conscious disregard of the rights of Plaintiffs in a despicable, vile, and contemptible
4 manner. Therefore, Plaintiffs are entitled to an award of punitive damages for the purpose of
5 punishing SOCIAL WORKER DEFENDANTS, and to deter them and others from such
6 conduct in the future.

7 **COUNT TWO**
8 **By Plaintiff N.L.**
9 **Against Lucy Pospachian and Does 1 through 50, Inclusive**

9 92. Plaintiff is informed and believes that DEFENDANT POSPACHIAN, by her conduct caused
10 and/or intended to cause minor Plaintiff N.L. harmful and/or offensive contact to his person.

11 93. Plaintiff is informed and believes that the DEFENDANT POSPACHIAN intentionally struck
12 minor Plaintiff N.L. because he was crying for his mother and father.

13 94. The minor Plaintiff N.L. did not personally, nor through his actions, expressly or by
14 implication consent to being struck. Rather minor Plaintiff N.L. acted as a scared child would,
15 who had been forcefully separated from his parents.

16 95. As the direct and proximate result of DEFENDANT POSPACHIAN's actions, minor Plaintiff
17 N.L. suffered, and will continue to suffer, physical, mental, and emotional injury, all to an
18 extent and in an amount subject to proof at trial.

19 96. On information and belief, DEFENDANT POSPACHIAN, acted with malice and with the
20 intent to cause injury to minor Plaintiff N.L., or acted with a willful and conscious disregard
21 of the rights of Plaintiff in a despicable, vile, and contemptible manner by striking a crying
22 child. Therefore, Plaintiff is entitled to an award of punitive damages for the purpose of
23 punishing DEFENDANT POSPACHIAN, and to deter her from such conduct in the future.

24 **THIRD CAUSE OF ACTION FOR FALSE IMPRISONMENT**
25 **By Plaintiffs A.L. and N.L.**
26 **Against County, DCFS, Social Worker Defendants,**
27 **and Does 1 through 50, Inclusive**

27 97. Plaintiffs reallege, and incorporate herein as if set forth in full, paragraphs 1 through 72, 73
28 through 78, 80 through 83, 85 through 90, and 92 through 95 above.

98. Plaintiff is informed and believes and on such basis alleges that the right to familial association

1 guaranteed under the Fourteenth Amendment is “clearly established” such that a reasonable
2 social worker in Defendants’ situation would know it is wrong to interfere in a parent’s
3 custodial rights in the absence of exigent circumstances without first obtaining a warrant to do
4 so.

5 99. In the absence of exigent circumstances, and without any evidence to suggest that either child
6 was in imminent danger of suffering serious bodily injury at the hands of either Plaintiff
7 Parent, DEFENDANTS, and each of them, wrongfully removed and detained minor Plaintiffs
8 A.L. and N.L. from the care, custody, and control of their parents without cause or justification.
9 Each of the individual SOCIAL WORKER DEFENDANTS participated in, conspired with,
10 approved of, and/or aided and abetted the conduct of the remaining DEFENDANTS.

11 100. DEFENDANTS, and each of them, intentionally deprived minor Plaintiffs A.L. and N.L. of
12 their freedom of movement by the use of physical barriers, menace, fraud, deceit, and
13 unreasonable duress, without evidence of any imminent danger of serious physical injury at the
14 hands of their parents, without court order, without just or reasonable cause, and therefore
15 deprived them of their personal and civil liberties. The unlawful removals and detention
16 commenced on September 19, 2008 and continued until remedied by their release to their
17 parents’ custody, and dismissal of the dependency case (for lack of evidence) on March 26,
18 2009.

19 101. At no time did minor Plaintiffs A.L. and N.L. consent, constructively or otherwise, to such
20 deprivation and detainment, nor was legal consent obtained by law, by court order, or from
21 minor Plaintiffs’ parents.

22 102. As a direct and proximate result of these DEFENDANTS’ actions, minor Plaintiffs A.L. and
23 N.L. have suffered, and will continue to suffer, physical, mental, and emotional injury, all to
24 an extent and in an amount subject to proof at trial.

25 103. Defendant COUNTY and its entity DCFS are vicariously responsible for the conduct of the
26 SOCIAL WORKER DEFENDANTS, and DOES 1 through 50, Inclusive, under Government
27 Code Section 815.2 and applicable other statutory and case law.

28 104. On information and belief, SOCIAL WORKER DEFENDANTS and each of them, acted with

1 malice and with the intent to cause injury to minor Plaintiffs A.L. and N.L., or acted with a
2 willful and conscious disregard of the rights of Plaintiffs in a despicable, vile, and contemptible
3 manner. Therefore, Plaintiffs are entitled to an award of punitive damages for the purpose of
4 punishing SOCIAL WORKER DEFENDANTS, and to deter them and others from such
5 conduct in the future.

6 **FOURTH CAUSE OF ACTION FOR NEGLIGENCE**

7 **By Plaintiff N.L.**

8 **Against County, DCFS, Social Worker Defendants, Lucy Pospachian**
9 **and Does 1 through 50, Inclusive**

10 105. Plaintiffs reallege, and incorporate herein as if set forth in full, paragraphs 1 through 72, 73
11 through 78, 80 through 83, 85 through 90, 92 through 95, and 97 though 103 above.

12 **COUNT ONE**

13 **By Plaintiff N.L.**

14 **Against County, DCFS, Social Worker Defendants,**
15 **and Does 1 through 50, Inclusive**

16 106. In the absence of exigent circumstances, and without any evidence to suggest that either child
17 was in imminent danger of suffering serious bodily injury at the hands of either Plaintiff
18 Parent, DEFENDANTS, and each of them, wrongfully removed and detained minor Plaintiff
19 N.L. from the care, custody, and control of their parents without cause or justification. Each
20 of the individual SOCIAL WORKER DEFENDANTS participated in, conspired with,
21 approved of, and/or aided and abetted the conduct of the remaining DEFENDANTS.

22 107. After the wrongful removal and detainment, the minor Plaintiff N.L.'s his care was totally and
23 solely in the control of the DEFENDANTS, thus a special relationship existed between the
24 DEFENDANTS and the minor Plaintiff N.L. A greater degree of care is generally owed to
25 children because of their lack of capacity to appreciate risks and avoid danger. (*McDaniel v.*
26 *Sunset Manor* (1990) 220 Cal.App.3d 1, 7 (citing *Casas v. Maulhardt Buick* (1968) 258
27 Cal.App.2d 692, 697–700).) A child of immature years is expected to exercise only such care
28 as pertains to childhood, and all persons dealing with such a child are chargeable with such
knowledge. As a result, SOCIAL WORKER DEFENDANTS were bound to exercise a greater
amount of caution than they would were they dealing with an adult. (*Kataoka v. May Dept.*
Stores (1943) 60 Cal.App.2d 177, 182–83.)

- 1 108. Upon DCFS’s usurpation of the care of the children, the minor Plaintiff N.L. was placed under
2 the foster care of DEFENDANT POSPACHIAN by Defendants. Plaintiff is informed and
3 believes that DEFENDANT POSPACHIAN intentionally struck minor Plaintiff N.L. and
4 deprived minor Plaintiff N.L. of food and nourishment while under foster care. But for the
5 SOCIAL WORKER DEFENDANTS’ negligent failure to supervise, train, and follow up on
6 Pospachian’s care of N.L., N.L. would not have been injured. As such, the SOCIAL
7 WORKER DEFENDANTS failed to protect minor Plaintiff N.L. while he was in foster care.
- 8 109. In addition, Plaintiff is informed and believes that SOCIAL WORKER DEFENDANTS failed
9 to properly investigate the qualifications of DEFENDANT POSPACHIAN and/or knew or had
10 reason to know that minor Plaintiff N.L. might be endangered while under the foster care of
11 DEFENDANT POSPACHIAN.
- 12 110. The SOCIAL WORKER DEFENDANTS’ failure to protect minor Plaintiff N.L. was a
13 substantial factor in the physical, mental, and emotional injury that minor Plaintiff N.L.
14 suffered, and will continue to suffer, all to an extent and in an amount subject to proof at trial.
- 15 111. Defendant COUNTY and its entity DCFS are vicariously responsible for the conduct of the
16 SOCIAL WORKER DEFENDANTS, and DOES 1 through 50, Inclusive, under Government
17 Code Section 815.2 and applicable other statutory and case law.

18 **COUNT TWO**
19 **By Plaintiff N.L.**
20 **Against Lucy Pospachian and Does 1 through 50, Inclusive**

- 21 112. DEFENDANT POSPACHIAN’s role as a foster mother constituted a special relationship with
22 minor Plaintiff N.L., and as such a duty of care was owed to minor Plaintiff N.L. A greater
23 degree of care is generally owed to children because of their lack of capacity to appreciate risks
24 and avoid danger. (*McDaniel v. Sunset Manor* (1990) 220 Cal.App.3d 1, 7 (citing *Casas v.*
25 *Maulhardt Buick* (1968) 258 Cal.App.2d 692, 697–700).) A child of immature years is
26 expected to exercise only such care as pertains to childhood, and all persons dealing with such
27 a child are chargeable with such knowledge. As a result, Lucy Pospachian was bound to
28 exercise a greater amount of caution than she would were she dealing with an adult. (*Kataoka*
v. May Dept. Stores (1943) 60 Cal.App.2d 177, 182–83.)

1 113. Plaintiff is informed and believes that while minor Plaintiff N.L. was in the care, supervision,
2 and control of DEFENDANT POSPACHIAN, through an act or omission, he was denied food
3 and nourishment.

4 114. Upon minor Plaintiff N.L.'s reunification with Parent Plaintiffs he appeared severally
5 malnourished and frail and was badly bruised.

6 115. Plaintiff is informed and believes DEFENDANT POSPACHIAN's denial of food and
7 nourishment to minor Plaintiff N.L. was a substantial factor in the physical, mental, and
8 emotional injury that minor Plaintiff N.L. suffered, and will continue to suffer, all to an extent
9 and in an amount subject to proof at trial.

10 **FIFTH CAUSE OF ACTION FOR NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS**

11 **By all Plaintiffs**

12 **Against County, DCFS, Social Worker Defendants,
13 and Does 1 through 50, Inclusive**

14 116. Plaintiffs reallege, and incorporate herein as if set forth in full, paragraphs 1 through 72, 73
15 through 78, 80 through 83, 85 through 90, 92 through 95, 97 though 103, 105 through 110, and
16 112 through 115 above.

17 117. Plaintiff is informed and believes and on such basis alleges that the right to familial association
18 guaranteed under the Fourteenth Amendment is "clearly established" such that a reasonable
19 social worker in Defendants' situation would know it is wrong to interfere in a parent's
20 custodial rights in the absence of exigent circumstances without first obtaining a warrant to do
21 so.

22 118. In the absence of exigent circumstances, and without any evidence to suggest that either child
23 was in imminent danger of suffering serious bodily injury at the hands of either Plaintiff
24 Parent, DEFENDANTS, removed and detained minor Plaintiff N.L.. Each of the individual
25 SOCIAL WORKER DEFENDANTS participated in, conspired with, approved of, and/or aided
26 and abetted the conduct of the remaining DEFENDANTS, and each of them.

27 119. After the wrongful removal and detainment, the minor Plaintiff N.L.'s disposition was totally
28 and solely in the control of the DEFENDANTS, thus a special relationship existed between the
DEFENDANTS and the minor Plaintiff N.L. A greater degree of care is generally owed to
children because of their lack of capacity to appreciate risks and avoid danger. (*McDaniel v.*

1 *Sunset Manor* (1990) 220 Cal.App.3d 1, 7 (citing *Casas v. Maulhardt Buick* (1968) 258
2 Cal.App.2d 692, 697–700.) A child of immature years is expected to exercise only such care
3 as pertains to childhood, and all persons dealing with such a child are chargeable with such
4 knowledge. As a result, HOLLY DOWNS was bound to exercise a greater amount of caution
5 than she would were she dealing with an adult. (*Kataoka v. May Dept. Stores* (1943) 60
6 Cal.App.2d 177, 182–83.)

7 120. The minor Plaintiff N.L. was placed under the foster care of DEFENDANT POSPACHIAN.
8 Plaintiff is informed and believes that DEFENDANT POSPACHIAN intentionally struck
9 minor Plaintiff N.L. and deprived minor Plaintiff N.L. of food and nourishment while under
10 foster care. As such, the SOCIAL WORKER DEFENDANTS failed in their mandatory duty
11 to protect minor Plaintiff N.L. while he was in foster care.

12 121. The SOCIAL WORKER DEFENDANTS had a mandatory duty to protect minor Plaintiff N.L.
13 at all times that he was under foster care. Plaintiff is informed and believes, that the harm and
14 injury to minor Plaintiff N.L. continued the entire time he was under foster care.
15 JACQUELINE and ANTONIO were not allowed to see N.L. while he was in foster care, but
16 they first perceived his injuries directly after he returned from foster care. The SOCIAL
17 WORKER DEFENDANTS failure to protect minor Plaintiff N.L. continued until the moment
18 he was returned to JACQUELINE and ANTONIO. The shock of seeing a child severely injured
19 after a torturous event, may be just as profound as if the event was witnessed firsthand, and
20 therefore the contemporaneous observance requirement of Dillon is satisfied. *Ochoa v.*
21 *Superior Court* (1985) 39 Cal.3d 159, 169.

22 122. Plaintiffs are informed and believe that DEFENDANTS failed to properly investigate the
23 qualifications of DEFENDANT POSPACHIAN and/or knew or had reason to know that minor
24 Plaintiff N.L. might be endangered while under the foster care of DEFENDANT
25 POSPACHIAN.

26 123. The DEFENDANT’S failure to ensure the protection of minor Plaintiff N.L. was a substantial
27 factor in the severe injuries that Plaintiffs JACQUELINE, ANTONIO, and N.L. suffered, and
28 will continue to suffer, all to an extent and in an amount subject to proof at trial.

1 124. Defendant COUNTY and its entity DCFS are vicariously responsible for the conduct of the
2 SOCIAL WORKER DEFENDANTS, and DOES 1 through 50, Inclusive, under Government
3 Code Section 815.2 and applicable other statutory and case law.

4 **SIXTH CAUSE OF ACTION FOR FRAUD AND INTENTIONAL DECEIT**
5 **By Plaintiff JACQUELINE ARCE**
6 **Against County, DCFS, Social Worker Defendants,**
7 **and Does 1 through 50, Inclusive**

8 125. Plaintiffs reallege, and incorporate herein as if set forth in full, paragraphs 1 through 72, 73
9 through 78, 80 through 83, 85 through 90, 92 through 95, 97 though 103, 105 through 110, 112
10 through 115, and 116 through 124 above

11 126. On September 24th, 2008, the Court concluded that the Parent Plaintiffs posed no immediate
12 threat to minor Plaintiffs A.L and N.L. and that there was no evidence that the parents did
13 anything wrong.

14 127. Two weeks after this Court ordered the release of minor Plaintiffs A.L. and N.L., on or around
15 October **XX**, 2009, social worker LORI WINKLER and DCFS nurse KARL MARUYAMA
16 arrived unannounced at the Arce-Langarica home. The social workers falsely claimed that the
17 visit was required in order to provide paperwork to JACQUELINE. The Plaintiff is informed
18 and believes that the home visit was a ruse, designed to induce JACQUELINE into
19 unknowingly signing the Social Services case plan and admit guilt.

20 128. After WINKLER and MARUYAMA handed over the paperwork, JACQUELINE was given
21 a document to sign. The SOCIAL WORKER DEFENDANTS told JACQUELINE that the
22 document was a simple acknowledgment form that stated she received all the paperwork.

23 129. JACQUELINE relied upon the SOCIAL WORKER DEFENDANTS representation that the
24 document was an acknowledgment form and signed the document.

25 130. The SOCIAL WORKER DEFENDANTS never informed JACQUELINE that she had in fact
26 signed a case plan. The truth was only discovered later, when ANTONIO wen to the DCFS
27 office and realized that JACQUELINE had in fact signed the case plan.

28 131. As the direct and proximate result of SOCIAL WORKER DEFENDANT's actions,
JACQUELINE suffered, and will continue to suffer, physical, mental, and emotional injury,
all to an extent and in an amount subject to proof at trial.

1 132. Defendant COUNTY and its entity DCFS are vicariously responsible for the conduct of the
2 SOCIAL WORKER DEFENDANTS, and DOES 1 through 50, Inclusive, under Government
3 Code Section 815.2 and applicable other statutory and case law.

4 **SEVENTH CAUSE OF ACTION FOR VIOLATION OF CIVIL RIGHTS (42 U.S.C. §1983)**
5 **(Fourteenth Amendment- Familial Association and Unlawful Seizure)**
6 **By All Plaintiffs**
7 **Against County, DCFS, Social Worker Defendants,**
8 **and Does 1 through 50, Inclusive**

9 133. Plaintiffs reallege, and incorporate herein as if set forth in full, paragraphs 1 through 72, 73
10 through 78, 80 through 83, 85 through 90, 92 through 95, 97 through 103, 105 through 110, 112
11 through 115, 116 through 124, and 125 through 132 above.

12 **COUNT ONE (UNLAWFUL SEIZURE)**
13 **By Plaintiffs A.L. and N.L.**
14 **Against County, DCFS, Social Worker Defendants,**
15 **and Does 1 through 50, Inclusive**

16 134. Under the circumstances of this case, outlined above, minor Plaintiffs A.L. and N.L. had the
17 right to be free from unreasonable seizure under the Fourth Amendment of the Constitution
18 of the United States, which right is “clearly established” such that a reasonable social worker
19 in Defendants’ situation would know it is wrong to interfere in a child’s right to remain with
20 its parents in the absence of exigent circumstances, and that such right may not be impinged
21 upon without first obtaining a warrant or other court order to do so.

22 135. In the absence of exigent circumstances, and without any evidence to suggest that either child
23 was in imminent danger of suffering serious bodily injury at the hands of either Plaintiff
24 Parent, on September 19, 2008, and continuing through September 24, 2008, DEFENDANTS,
25 and each of them, acting under color of law, agreed, and/or conspired to unlawfully seize and
26 detain minor Plaintiffs A.L. and N.L. from the care of their mother (JACQUELINE ARCE)
27 and father (ANTONIO LANGARICA). DEFENDANTS’ conduct was without proper
28 justification or authority, and without probable cause, consent, exigency, or court order. (See
Mabe v. County of San Bernadino (2001) 237 F.3d 1101). Further, DEFENDANTS’ actions
were taken with deliberate indifference to Plaintiff’s rights.

136. DEFENDANTS, and each of them, conspired to violate the civil rights of the Plaintiffs,
including those rights found in the Fourth Amendment of the United States Constitution by,

1 but not limited to, aiding and abetting in the unlawful seizure and removal of minor Plaintiffs
2 A.L. and N.L., without a warrant, consent, probable cause, or exigent circumstances, in
3 violation of Plaintiffs' right to be free from unreasonable seizure under the Fourth Amendment,
4 as well as those rights under applicable California law rising to the level of a constitutionally
5 protected right. DEFENDANTS acted, or purported to act, in the performance of their official
6 duties.

7 137. As a direct and proximate result of these DEFENDANTS' actions, minor Plaintiffs A.L. and
8 N.L. have suffered, and will continue to suffer, physical, mental, and emotional injury, all to
9 an extent and in an amount subject to proof at trial. Plaintiffs have also incurred, and will
10 continue to incur, attorneys fees, costs and expenses, including those authorized by 42 U.S.C.
11 Section 1988, to an extent and in an amount subject to proof at trial.

12 138. Defendant COUNTY and its entity DCFS are vicariously responsible for the conduct of the
13 SOCIAL WORKER DEFENDANTS, and DOES 1 through 50, Inclusive, under Government
14 Code Section 815.2 and applicable other statutory and case law.

15 139. On information and belief, SOCIAL WORKER DEFENDANTS and each of them, acted with
16 malice and with the intent to cause injury to minor Plaintiffs A.L. and N.L., or acted with a
17 willful and conscious disregard of the rights of Plaintiffs in a despicable, vile, and contemptible
18 manner. Therefore, Plaintiffs are entitled to an award of punitive damages for the purpose of
19 punishing SOCIAL WORKER DEFENDANTS, and to deter them and others from such
20 conduct in the future.

21 **COUNT TWO (FAMILIAL ASSOCIATION)**
22 **By All Plaintiffs**
23 **Against County, DCFS, Social Worker Defendants,**
24 **and Does 1 through 50, Inclusive**

25 140. Plaintiffs are informed and believe and thereon allege that the right to familial association
26 guaranteed under the Fourteenth Amendment is "clearly established" such that a reasonable
27 social worker in Appellants' situation would know it is unlawful to remove a child from the
28 care, custody, and control of its parents or to question, threaten, examine, or search a child in
the absence of exigent circumstances without first obtaining a warrant to do so. In addition,
there is a clearly established due process right not to be subjected to false accusations on the

1 basis of false evidence that was deliberately fabricated by the government such that a
2 reasonable social worker in Social Worker Defendants' situation would know it is unlawful
3 to lie, fabricate evidence, and suppress exculpatory evidence.

4 141. Commencing on September 19, 2008 and continuing until approximately March 26, 2009,
5 DEFENDANTS, and each of them, were acting under color of state law when they acted,
6 agreed, and/or conspired to unlawfully remove, detain, question, threaten, examine, investigate,
7 search, and/or falsely report Plaintiffs JACQUELINE, ANTONIO, A.L., and N.L. Defendants
8 did so without proper justification or authority, and without probable cause, exigency, or court
9 order. (See *Mabe v. County of San Bernadino* (2001) 237 F.3d 1101). Further,
10 DEFENDANTS' actions were taken with deliberate indifference to Plaintiffs' rights.

11 142. DEFENDANTS, and each of them, maliciously conspired to violate the civil rights of the
12 Plaintiffs, including violation of the Plaintiffs' rights found in the Fourteenth Amendment of
13 the United States Constitution, by, but not limited to, removing, detaining, and continuing to
14 detain, Plaintiffs' A.L. and N.L. from the care, custody, and control of their mother, Plaintiff
15 JACQUELINE ARCE, and their father, Plaintiff ANTONIO LANGARICA, without proper
16 or just cause and/or authority; maliciously denying Plaintiffs their right to a hearing on said
17 detention within 72 hours of removal; by subjecting minor Plaintiffs A.L. and N.L. to physical
18 examinations without consent, authority, or the presence of her parents; by the use of coercion
19 and duress to obtain evidence and testimony; and by maliciously falsifying evidence, and
20 presenting fabricated evidence to the court, and maliciously refusing to provide exculpatory
21 evidence during the pendency of the dependency proceedings in violation of Government Code
22 §820.21, and violating the Constitutional rights of Plaintiffs.

23 143. By these actions, DEFENDANTS, and each of them, interfered and/or attempted to interfere
24 with Plaintiffs' constitutional rights to familial association under the Fourteenth Amendment,
25 as well as those rights under applicable California Law rising to the level of a constitutionally
26 protected right.

27 144. As the direct and proximate result of these DEFENDANTS' actions, Plaintiffs have suffered,
28 and will continue to suffer, physical, mental, and emotional injury, all to an extent and in an

1 amount subject to proof at trial. Plaintiffs have also incurred, and will continue to incur,
2 attorneys fees, costs and expenses, including those authorized by 42 U.S.C. Section 1988, to
3 an extent and in an amount subject to proof at trial.

4 145. Defendant COUNTY and its entity DCFS are vicariously responsible for the conduct of the
5 SOCIAL WORKER DEFENDANTS, and DOES 1 through 50, Inclusive, under Government
6 Code Section 815.2 and applicable other statutory and case law.

7 146. On information and belief, SOCIAL WORKER DEFENDANTS and each of them, acted with
8 malice and with the intent to cause injury to minor Plaintiffs A.L. and N.L., or acted with a
9 willful and conscious disregard of the rights of Plaintiffs in a despicable, vile, and contemptible
10 manner. Therefore, Plaintiffs are entitled to an award of punitive damages only against the
11 individual defendants (as opposed to the agency or municipality) for the purpose of punishing
12 SOCIAL WORKER DEFENDANTS, and to deter them and others from such conduct in the
13 future.

14 **EIGHTH CAUSE OF ACTION FOR VIOLATION OF 42 U.S.C. §1985**
15 **By All Plaintiffs**
16 **Against Social Worker Defendants, CARES Defendants,**
17 **and Does 1 through 50, Inclusive**

18 147. Plaintiffs reallege, and incorporate herein as if set forth in full, paragraphs 1 through 72, 73
19 through 78, 80 through 83, 85 through 90, 92 through 95, 97 though 103, 105 through 110, 112
20 through 115, 116 through 124, 125 through 132, 133 through 138, and 140 through 145 above.

21 148. DEFENDANTS, and each of them, acting under color of state law, conspired to deprive, and
22 did deprive, PLAINTIFFS of their rights under the laws of the United States.

23 149. Specifically, DEFENDANTS conspired to, and did: unlawfully seize and remove the minor
24 Plaintiffs from the care of parents JACQUELINE and ANTONIO, without a warrant, court
25 order, consent, probable cause, or exigent circumstances; denied PLAINTIFFS their right to
26 a hearing on said detention within 72 hours of the removal; and continued to detain minor
27 Plaintiffs A.L. and N.L. for an unreasonable period after any alleged basis for detention had
28 been negated. In addition, DEFENDANTS, and each of them, conspired to use trickery, duress,
fabrication and/or false testimony or evidence, and failed to disclose exculpatory evidence in
preparing and presenting reports and court documents to the Court. The conduct of

1 DEFENDANTS, and each of them, interfered with Plaintiffs' rights, including minor
2 Plaintiffs' right to be protected against unlawful seizure under the Fourth Amendment of the
3 Constitution of the United States, and the right to familial association free from government
4 interference as guaranteed by the Fourteenth Amendment of the Constitution of the United
5 States.

6 150. DEFENDANTS, and each of them, engaged in said conspiracies for the purpose of depriving
7 Plaintiffs of equal protection of the laws of the State of California and of the United States, and
8 depriving them of their rights under the Constitutions of the United States and the State of
9 California.

10 151. DEFENDANTS, and each of them, took several acts in furtherance of the conspiracy,
11 including but not limited to: unlawfully removing and detaining minor Plaintiffs A.L. and N.L.
12 from the care of their mother (JACQUELINE) and father (ANTONIO), without a warrant,
13 court order, consent, probable cause, or exigent circumstances; continuing to detain A.L. and
14 N.L. for an unreasonable period after any alleged basis for detention had been negated; and by
15 procuring false testimony, fabricating evidence, and failing to disclose exculpatory evidence
16 in preparing and presenting reports and court documents to the Court in relation to A.L. and
17 N.L.'s dependency proceedings.

18 152. Plaintiffs did in fact suffer the deprivation of numerous rights granted to citizens of the United
19 States, including those under the Fourth Amendment that protect against unreasonable seizure,
20 and those under the Due Process Clause of the Fourteenth Amendment, which has been
21 interpreted to protect the fundamental liberty interest in familial relations.

22 153. As the direct and proximate result of these DEFENDANTS' actions, Plaintiffs have suffered,
23 and will continue to suffer, physical, mental, and emotional injury, all to an extent and in an
24 amount subject to proof at trial. Plaintiffs have also incurred, and will continue to incur,
25 attorneys fees, costs and expenses, including those authorized by 42 U.S.C. Section 1988, to
26 an extent and in an amount subject to proof at trial.

27 154. On information and belief, SOCIAL WORKER DEFENDANTS and CARES DEFENDANTS
28 and each of them, acted with malice and with the intent to cause injury to minor Plaintiffs A.L.

1 and N.L., or acted with a willful and conscious disregard of the rights of Plaintiffs in a
2 despicable, vile, and contemptible manner. Therefore, Plaintiffs are entitled to an award of
3 punitive damages for the purpose of punishing SOCIAL WORKER DEFENDANTS and
4 CARES DEFENDANTS, and to deter them and others from such conduct in the future.

5 **NINTH CAUSE OF ACTION FOR VIOLATION OF 42 U.S.C. §1986**

6 **By All Plaintiffs**
7 **Against All Defendants**
8 **and Does 1 through 50, Inclusive**

9 155. Plaintiffs reallege, and incorporate herein as if set forth in full, paragraphs 1 through 72, 73
10 through 78, 80 through 83, 85 through 90, 92 through 95, 97 though 103, 105 through 110, 112
11 through 115, 116 through 124, 125 through 132, 133 through 138, 140 through 145, and 147
12 through 153 above.

13 156. SOCIAL WORKER DEFENDANTS, and each of them, maintain, and at all times relevant to
14 this Complaint maintained, customs and practices which were the driving force behind their
15 conspiracy to interfere with Plaintiffs' civil rights in violation of 42 U.S.C. section 1985,
16 discussed in paragraphs 147 through 154, above. Such customs and practices include
17 unreasonable seizures in violation of the Fourth Amendment of the U.S. Constitution; unlawful
18 removal and detention of minor children; denial of the right to a hearing on said detention
19 within 72 hours of removal; continued detention after any alleged basis for detention has been
20 negated; and the procuring of false testimony, fabrication of evidence, and refusal to disclose
21 exculpatory evidence in preparing and presenting reports and documents to the Court in
22 relation to dependency proceedings, all in violation of the right to familial association under
23 the Due Process Clause of the Fourteenth Amendment.

24 157. DEFENDANTS, and each of them, including COUNTY and DCFS have, and at all times
25 relevant to this complaint had, knowledge of the customs and practices that led to the
26 conspiracy to interfere with Plaintiffs' civil rights. COUNTY, DCFS, SOCIAL WORKER
27 DEFENDANTS, and DOES 1 through 50, inclusive, knew that the other individual defendants
28 were conspiring to commit the wrongs noted above, and were going to commit them.

158. DEFENDANTS, and each of them, had the power to prevent the commission of these wrongs,
through the notification of the proper superiors and authorities, and/or through the

1 implementation of policies, procedures, and training programs that would educate and
2 enlighten employees as to the civil rights of the citizens of the United States and the State of
3 California.

4 159. Despite their knowledge, DEFENDANTS, and each of them, refused or neglected to prevent
5 the remaining DEFENDANTS from committing these wrongs in violation of 42 U.S.C. section
6 1985.

7 160. Plaintiffs did in fact suffer the deprivation of numerous rights granted to citizens of the United
8 States, including those under the Fourth Amendment that protect against the unlawful seizure
9 of one's person, and those under the Fourteenth Amendment that protect the right to familial
10 association.

11 161. Plaintiff's injuries were the direct and proximate result of the actions of SOCIAL WORKER
12 DEFENDANTS and DOES 1 through 50, inclusive, which DEFENDANTS, and each of them,
13 (including COUNTY and DCFS) could have, through reasonable diligence, prevented.

14 162. As the direct and proximate result of these DEFENDANTS' actions, Plaintiffs have suffered,
15 and will continue to suffer, physical, mental, and emotional injury, all to an extent and in an
16 amount subject to proof at trial. Plaintiffs have also incurred, and will continue to incur,
17 attorneys fees, costs and expenses, including those authorized by 42 U.S.C. Section 1988, to
18 an extent and in an amount subject to proof at trial.

19 **TENTH CAUSE OF ACTION- MONELL-RELATED CLAIMS**
20 **By All Plaintiffs**
21 **Against County of Los Angeles / DCFS**
22 **and Does 1 through 50, Inclusive**

23 163. Plaintiffs reallege, and incorporate herein as if set forth in full, paragraphs 1 through 72, 73
24 through 78, 80 through 83, 85 through 90, 92 through 95, 97 though 103, 105 through 110, 112
25 through 115, 116 through 124, 125 through 132, 133 through 138, 140 through 145, 147
26 through 153, and 155 through 162 above.

27 164. Defendant COUNTY, including through its entity DCFS, established and/or followed policies,
28 procedures, customs, and/or practices (hereinafter referred to collectively as "policy" or
"policies") which policies were the moving force behind the violations of Plaintiffs'
constitutional rights, including those arising under the Fourth and Fourteenth Amendments,

1 by, but not limited to:

- 2 a. the policy of detaining and/or removing children from their family and homes without
3 exigent circumstances (imminent danger of serious physical injury), court order and/or
4 consent;
- 5 b. the policy of removing children from their family and their homes without first
6 obtaining a warrant when no exigency exists;
- 7 c. the policy of examining children without exigency, need, or proper court order, and
8 without the presence and/or consent of their parent or guardian;
- 9 d. the policy of removing and detaining children, and continuing to detain them for an
10 unreasonable period after any alleged basis for detention is negated;
- 11 e. the policy of using trickery, duress, fabrication and/or false testimony and/or evidence,
12 and in failing to disclose exculpatory evidence, in preparing and presenting reports and
13 court documents to the Court, causing an interference with the Plaintiffs' rights,
14 including those as to familial relations; and
- 15 f. by acting with deliberate indifference in implementing a policy of inadequate training,
16 and/or by failing to train its officers, agents, employees and state actors, in providing
17 the constitutional protections guaranteed to individuals, including those under the
18 Fourth and Fourteenth Amendments, when performing actions related to child abuse
19 and dependency type proceedings.
- 20 g. The policy of making false allegations in a Juvenile Dependency Petition, i.e. alleging
21 that a parent has failed to protect a child under Welfare and Institutions Code §300(b),
22 where there is no evidentiary basis to support the charge. Such a similar practice by
23 Orange County has been enjoined by court order. See **Exhibit A**, attached hereto.
24 (This list is not exhaustive due to the pending nature of discovery and the privileged
25 and protected records of investigative and juvenile dependency type proceedings.
26 Plaintiffs reserve their right to amend this pleading as more information becomes
27 available). On information and belief, plaintiff allege that the above policies and
28 practices are part and parcel of an effort by County to fraudulently boost its

1 intervention statistics in order to obtain greater State and Federal funding for its social
2 services programs.

3 165. COUNTY, including by and through its entity DCFS, breached its duties and obligations to
4 Plaintiffs including but not limited to, failing to establish, implement and follow the correct
5 and proper Constitutional policies, procedures, customs and practices; by failing to properly
6 select, supervise, train, control, and review its agents and employees as to their compliance
7 with Constitutional safeguards with deliberate indifference; and by knowingly, or with
8 deliberate indifference, permitting the SOCIAL WORKER DEFENDANTS, and DOES 1
9 through 50, inclusive, to engage in the unlawful and unconstitutional conduct as herein alleged.

10 166. DEFENDANTS knew, or should have known, that by breaching the above-mentioned duties
11 and obligations that it was foreseeable that they would, and did, cause Plaintiffs to be injured
12 and damaged by their wrongful policies and acts as alleged herein, and that such breaches
13 occurred in contravention of public policy and their legal duties and obligations to Plaintiffs;
14 and that such policies, practices, customs and procedures were the moving force behind the
15 constitutional violations alleged herein above.

16 167. These actions, and/or inactions, of DEFENDANTS are the direct and proximate cause of
17 Plaintiffs' injuries, as alleged herein; and as a result, Plaintiffs have sustained general and
18 special damages, to an extent and in an amount to be proven at trial. In addition, Plaintiffs have
19 incurred, and will continue to incur, attorneys fees, costs and expenses, including those as
20 authorized by 42 U.S.C. §1988, to an extent and in an amount subject to proof at trial.

21 **ELEVENTH CAUSE OF ACTION FOR VIOLATION OF STATE CIVIL RIGHTS**
22 **By All Plaintiffs**
23 **Against All Defendants**
24 **and Does 1 through 50, Inclusive**

25 168. Plaintiffs reallege, and incorporate herein as if set forth in full, paragraphs 1 through 72, 73
26 through 78, 80 through 83, 85 through 90, 92 through 95, 97 though 103, 105 through 110, 112
27 through 115, 116 through 124, 125 through 132, 133 through 138, 140 through 145, 147
28 through 153, 155 through 162, and 163 through 167 above.

169. DEFENDANTS, and each of them, are individuals who were acting under color of state law
in conducting an investigation and related proceedings and matters as described in Government

1 Code section 820.21(a). Each of the individual SOCIAL WORKER DEFENDANTS and
2 DOES 1 through 50, inclusive, maliciously participated in, maliciously conspired with,
3 approved of, and/or aided and abetted the conduct of the remaining DEFENDANTS.

4 170. As a result of DEFENDANTS' conduct, DEFENDANTS, and each of them, by the use of
5 threats, intimidation, and coercion, (or attempts to threaten, intimidate, or coerce), interfered
6 with Plaintiffs' exercise and enjoyment of the rights secured by the United States Constitution
7 and other Federal laws, the Constitution and laws of the State of California, and their rights
8 under California Government Code Section 820.21, and California Civil Code sections 43, 49,
9 51, 52 (*The Unruh Civil Rights Act*), and 52.1.

10 171. Such conduct includes, but is not limited to: the wrongful seizure of A.L. and N.L. in violation
11 of the Fourth Amendment of the U.S. Constitution; the unlawful removal and detention of A.L.
12 and N.L.; the continued detention of A.L. and N.L. after any alleged basis for detention has
13 been negated; and the procuring of false testimony, fabrication of evidence, and refusal to
14 disclose exculpatory evidence in preparing and presenting reports and documents to the Court
15 in relation to dependency proceedings, all in violation of the right to familial association under
16 the Due Process Clause of the Fourteenth Amendment.

17 172. Defendant COUNTY and its entity DCFS is vicariously responsible for the conduct of
18 SOCIAL WORKER DEFENDANTS, and DOES 1 through 50, inclusive, under California
19 Government Code section 815.2, and other applicable statutory and case law.

20 173. As the direct and proximate result of these DEFENDANTS' actions, Plaintiffs have suffered,
21 and will continue to suffer, physical, mental, and emotional injury, all to an extent and in an
22 amount subject to proof at trial.

23 174. The rights violated by DEFENDANTS, and each of them, are protected by California Civil
24 Code sections 43, 49, 51, and 52.1, which entitle Plaintiffs to compensatory and punitive
25 damages, injunctive relief, statutory civil penalty (including \$25,000.00 as to each individual
26 defendant) and attorneys' fees, as provided for by the laws and the Constitution of the State of
27 California and are requested herein.

28 175. In doing the acts alleged in this Complaint, DEFENDANTS, and each of them, knew or should

1 have known that their actions would, or were likely to, injure and damage Plaintiffs. Plaintiffs
2 are informed and believes, and thereon allege, that the SOCIAL WORKER DEFENDANTS,
3 and DOES 1 through 50, and each of them, intended to cause injury and damage to Plaintiffs,
4 and/or acted with a willful and conscious disregard of Plaintiffs' rights, thus entitling Plaintiffs
5 to recover punitive damages as against said DEFENDANTS.

6 **TWELFTH CAUSE OF ACTION FOR INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**

7 **By All Plaintiffs**
8 **Against All Defendants**
9 **and Does 1 through 50, Inclusive**

10 176. Plaintiffs reallege, and incorporate herein as if set forth in full, paragraphs 1 through 72, 73
11 through 78, 80 through 83, 85 through 90, 92 through 95, 97 though 103, 105 through 110, 112
12 through 115, 116 through 124, 125 through 132, 133 through 138, 140 through 145, 147
13 through 153, 155 through 162, 163 through 167, and 168 through 174 above.

14 177. SOCIAL WORKER DEFENDANTS, and DOES 1 through 50, and each of them, engaged in
15 the above-mentioned extreme, outrageous, unlawful and unprivileged conduct, including, but
16 not limited to, removing and detaining minor Plaintiffs A.L. and N. L. from the love and care
17 of JACQUELINE and ANTONIO without court order or exigent circumstances; continuing
18 to detain A.L. and N.L. for an unreasonable period after any alleged basis for detention had
19 been negated; presenting perjured testimony and fabricating evidence to support their false and
20 malicious allegations that minor Plaintiffs A.L. and N.L. were being abused and/or neglected
21 by their parents; failing to disclose exculpatory evidence; questioning and obtaining testimony
22 from Plaintiffs through the use of undue influence, coercion, and duress; and continuing to
23 harass, annoy, and lie to Plaintiffs, and otherwise interfere with Plaintiffs lives, after the
24 dependency case had been dismissed by the Court.

25 178. Each of the individual SOCIAL WORKER DEFENDANTS, and DOES 1 through 50,
26 participated in, conspired with, approved of, and/or aided and abetted the conduct of the
27 remaining DEFENDANTS.

28 179. DEFENDANTS, and each of them, intended to cause harm to Plaintiffs, or acted with a
reckless disregard of the possibility that Plaintiffs would suffer extreme emotional distress as
a result of the conduct listed above.

1 180. Defendant COUNTY and its entity DCFS is vicariously responsible for the conduct of
2 SOCIAL WORKER DEFENDANTS, and DOES 1 through 50, inclusive, under California
3 Government Code section 815.2, and other applicable statutory and case law.

4 181. As the direct and proximate result of DEFENDANTS' extreme and outrageous conduct,
5 Plaintiffs suffered extreme emotional and physical distress, including, but not limited to, fright,
6 nervousness, sleeplessness, anxiety, worry, mortification, shock, humiliation and indignity to
7 an extent and in an amount subject to proof at trial.

8 182. Plaintiff is informed and believes that SOCIAL WORKER DEFENDANTS and DOES 1
9 through 50, inclusive, acted knowingly and willfully, with malice and oppression, and with the
10 intent to harm Plaintiffs. Therefore, Plaintiffs are entitled to an award of punitive damages for
11 the purpose of punishing said DEFENDANTS and to deter them and others from such conduct
12 in the future.

13 **THIRTEENTH CAUSE OF ACTION FOR INVASION OF PRIVACY**

14 **By All Plaintiffs**

15 **Against County, DCFS, Social Worker Defendants,
Children's Hospital, CARES, CARES Defendants,
and Does 1 through 50, Inclusive**

16 183. Plaintiffs reallege, and incorporate herein as if set forth in full, paragraphs 1 through 72, 73
17 through 78, 80 through 83, 85 through 90, 92 through 95, 97 through 103, 105 through 110, 112
18 through 115, 116 through 124, 125 through 132, 133 through 138, 140 through 145, 147
19 through 153, 155 through 162, 163 through 167, 168 through 174, and 176 through 181.

20 **COUNT ONE**

21 **By Plaintiffs A.L., N.L., and Jacqueline**

22 **Against County, DCFS, Social Worker Defendants,
and Does 1 through 50, Inclusive**

23 184. SOCIAL WORKER DEFENDANTS physically and intentionally entered both the Plaintiff's
24 home and private hospital room. The Plaintiffs have a reasonable expectation of seclusion and
25 privacy in their own home and within a private hospital room. The SOCIAL WORKER
26 DEFENDANTS did not have permission to enter either the Plaintiff's home or private hospital
27 room.

28 185. The SOCIAL WORKER DEFENDANTS intentionally and maliciously intruded upon the
Plaintiff's privacy without a warrant and in the absence of exigent circumstances, and without

1 any evidence to suggest that either child was in imminent danger of suffering serious bodily
2 injury at the hands of either JACQUELINE or ANTONIO.

3 186. As the direct and proximate result of these DEFENDANTS' actions, Plaintiffs have suffered,
4 and will continue to suffer, physical, mental, and emotional injury, all to an extent and in an
5 amount subject to proof at trial.

6 187. DEFENDANTS' was a substantial factor in the harm suffer

7 188. Defendant COUNTY and its entity DCFS are vicariously responsible for the conduct of the
8 SOCIAL WORKER DEFENDANTS, and DOES 1 through 50, Inclusive, under Government
9 Code Section 815.2 and applicable other statutory and case law.

10 189. Plaintiff is also entitled to all statutory damages, including double or treble damages. **I think**
11 **that you had a better way to say this part about double or treble damages.** On information and
12 belief, SOCIAL WORKER DEFENDANTS and each of them, acted with malice and with the
13 intent to cause injury to minor Plaintiffs A.L. and N.L., or acted with a willful and conscious
14 disregard of the rights of Plaintiffs in a despicable, vile, and contemptible manner. Therefore,
15 Plaintiffs are entitled to an award of punitive damages only against the individual defendants
16 (as opposed to the agency or municipality) for the purpose of punishing SOCIAL WORKER
17 DEFENDANTS, and to deter them and others from such conduct in the future.

18 **COUNT TWO**
19 **By All Plaintiffs**
20 **Against Children's Hospital, CARES, CARES Defendants,**
21 **and Does 1 through 50, Inclusive**

22 190. CARES DEFENDANTS **[Were both the nurse and social worker from CARES?]** physically
23 and intentionally entered the Plaintiff's home. The Plaintiffs have a reasonable expectation of
24 seclusion and privacy in their own home.

25 191. The CARES DEFENDANTS did not have permission to enter the property, but rather gained
26 entry through the utilization of their position of power, stemming from the threat that DCFS
27 would be called to remove minor Plaintiffs A.L. and N.L.. JACQUELINE and ANTONIO
28 were still emotionally and physically vulnerable from the previous removal of their children,
and therefore were extremely susceptible to the threats made by the CARES DEFENDANTS.

192. The CARES DEFENDANTS entered the plaintiff's home in order to take photographs that

- 1 were of a personal and familial nature, of minor Plaintiff A.L.. Photographs of minor Plaintiff
2 A.L. invades the seclusion, solitude, and private affairs and concerns of the Plaintiffs.
- 3 193. Plaintiff is informed and believes, that this private investigation by the CARES
4 DEFENDANTS to question and photograph the Plaintiffs was not a legitimate fact gathering
5 operation, but rather was intended to harass and torment the Plaintiffs. As such, the CARES
6 DEFENDANTS unreasonably intruded upon the seclusion, solitude, and private affairs of the
7 Plaintiffs.
- 8 194. The CARES DEFENDANTS' conduct was a substantial factor in the physical, mental, and
9 emotional injuries that plaintiff suffered, and will continue to suffer, all to an extent and in an
10 amount subject to proof at trial.
- 11 195. Defendant CHILDRENS HOSPITAL and its CARES TEAM are vicariously responsible for
12 the conduct of the CARES DEFENDANTS, and DOES 1 through 50, Inclusive, under
13 applicable statutory and case law.
- 14 196. Plaintiffs are entitled to statutory damages, including treble damages. In addition, the conduct
15 of defendants, and each of them, as alleged herein above, was undertaken with malice
16 oppression and fraud and with the intent to injure and/or otherwise harm Plaintiffs. Therefore,
17 Plaintiffs are entitled to an award of punitive damages for the purpose of punishing said
18 DEFENDANTS and to deter them and others from such conduct in the future.

19 **FOURTEENTH CAUSE OF ACTION FOR STALKING**
20 **By Plaintiff Jacqueline and Antonio**
21 **Against Children's Hospital, CARES Team, CARES Defendants,**
22 **and Does 1 through 50, Inclusive**

- 23 197. Plaintiffs reallege, and incorporate herein as if set forth in full, paragraphs 1 through 72, 73
24 through 78, 80 through 83, 85 through 90, 92 through 95, 97 though 103, 105 through 110, 112
25 through 115, 116 through 124, 125 through 132, 133 through 138, 140 through 145, 147
26 through 153, 155 through 162, 163 through 167, 168 through 174, 176 through 181, 183
27 through 188, and 190 through 195 above.
- 28 198. On October 10, 2008, CARES DEFENDANT WILSON initiated a series of phone
conversations with Plaintiffs JACQUELINE and ANTONIO. During these phone
conversations, WILSON demanded that minor Plaintiff A.L. be brought to the Children's

1 Hospital. As a private organization CARES had no legitimate purpose to demand that the
2 Plaintiffs bring A.L. to the Children's Hospital.

3 199. Plaintiffs JACQUELINE and ANTONIO informed WILSON that they would not take their
4 child A.L. to Children's Hospital and would never deal with CARES and Children's Hospital
5 again. **[Did you tell CARES and Children's Hospital to stop calling and to leave you alone**
6 **during this conversation?]** WILSON began to antagonize the Plaintiffs and threatened that
7 JACQUELINE and ANTONIO'S children would again be taken away. The threat made
8 JACQUELINE and ANTONIO fear for the safety of their children, in that they could be
9 removed again.

10 200. Next CARES DEFENDANT physically appeared at the Plaintiff's home, and gained entry
11 through the perception of the previous threat that the A.L. and N.L. would otherwise be
12 removed from JACQUELINE and ANTONIO.

13 201. The CARES DEFENDANTS' conduct was a substantial factor in the physical, mental, and
14 emotional injuries that plaintiff suffered, and will continue to suffer, all to an extent and in an
15 amount subject to proof at trial.

16 202. Defendant CHILDRENS HOSPITAL and its CARES TEAM are vicariously responsible for
17 the conduct of the CARES DEFENDANTS, and DOES 1 through 50, Inclusive, under
18 applicable statutory and case law.

19 203. Plaintiff is informed and believes that CARES DEFENDANTS and DOES 1 through 50,
20 inclusive, acted knowingly and willfully, with malice and oppression, and with the intent to
21 harm Plaintiffs. Therefore, Plaintiffs are entitled to an award of punitive damages for the
22 purpose of punishing said DEFENDANTS and to deter them and others from such conduct in
23 the future.

24 **FIFTEENTH CAUSE OF ACTION FOR DECLARATORY RELIEF**
25 **By All Plaintiffs**
26 **Against All Defendants**
27 **And Does 1 through 50, Inclusive**

28 204. Plaintiffs reallege, and incorporate herein as if set forth in full, paragraphs 1 through 72, 73
through 78, 80 through 83, 85 through 90, 92 through 95, 97 though 103, 105 through 110, 112
through 115, 116 through 124, 125 through 132, 133 through 138, 140 through 145, 147

1 through 153, 155 through 162, 163 through 167, 168 through 174, 176 through 181, 183
2 through 189, 191 through 196, and 198 through 203 above.

3 205. As stated herein, Plaintiffs, as citizens and individuals, are protected by the laws of the State
4 of California, as well as those of the United States Constitution, including the Fourth and
5 Fourteenth Amendments thereto.

6 206. As stated herein, Defendants COUNTY, DCFS, SOCIAL WORKER DEFENDANTS, and
7 DOES 1 through 50, inclusive, have wrongfully, unlawfully, and with deliberate indifference
8 to the rights of Plaintiffs, and with utter disregard of DEFENDANTS' duties and obligations
9 to Plaintiffs, acted, practiced and/or adopted policies, practices, procedures and/or customs
10 which are in violation of the rights of Plaintiffs, including those to be free from governmental
11 interference as to their familial associations and from unreasonable searches or seizures,
12 including those relating to child abuse allegations and related actions and proceedings.

13 207. DEFENDANTS have failed to acknowledge their improper, unlawful and unconstitutional
14 actions, conduct and policies at the time of the incidents at issue in the present action, and
15 Plaintiffs are informed and believe, and on that basis allege, that presently DEFENDANTS
16 have not changed or modified such actions, conduct and/or policies to conform to law.

17 208. DEFENDANTS' wrongful and unlawful conduct, actions and/or policies, unless and until
18 enjoined and restrained by order of this court, will cause, and continue to cause, great and
19 irreparable injury to Plaintiffs, and other individuals and citizens, in that DEFENDANTS will
20 continue to act in accordance with said unlawful policies, and with deliberate indifference to
21 their duties and obligations under state and federal law, including those under the Fourth and
22 Fourteenth amendments as alleged herein above.

23 209. Plaintiffs have no adequate remedy at law to prevent or prohibit DEFENDANTS from
24 continuing, and/or repeating, their unlawful and unconstitutional conduct and policies other
25 than through injunctive relief, and therefore seek an order enjoining and prohibiting
26 DEFENDANTS from, but not limited to, the following:

27 the policy of detaining and/or removing children from their family and homes without exigent
28 circumstances (imminent danger of serious physical injury), court order and/or consent;

- 1 a. the policy of removing children from the care of their family and from their homes
- 2 without first obtaining a warrant when no exigency exists;
- 3 b. the policy of examining children without exigency, need, or proper court order, and
- 4 without the presence of their proper custodian and/or guardian;
- 5 c. the policy of removing and detaining children, and not returning them, beyond a
- 6 reasonable period after the basis for detention is negated;
- 7 d. the policy of using trickery, duress, fabrication and/or false testimony or evidence, and
- 8 in failing to disclose exculpatory evidence, in preparing and presenting reports and
- 9 court documents to the Court causing an interference with the Plaintiffs' rights,
- 10 including those as to familial relations and injuring and harming them; and
- 11 e. by acting with deliberate indifference in implementing a policy of inadequate training,
- 12 and/or by failing to train its officers, agents, employees and state actors, in providing
- 13 the Constitutional protections guaranteed to individuals, including those under the
- 14 Fourth and Fourteenth Amendments, when performing actions related to child abuse
- 15 and dependency type proceedings.
- 16 f. Aiding and abetting in the violation of civil rights guaranteed to individuals, including
- 17 those under the Fourth (protecting against unreasonable search and seizure) and
- 18 Fourteenth (protecting against invasion of autonomy privacy) Amendments, by
- 19 engaging in the aforementioned conduct;
- 20 g. Conspiring to violate civil rights guaranteed to individuals, including those under the
- 21 Fourth (protecting against unreasonable search and seizure) and Fourteenth (protecting
- 22 against invasion of autonomy privacy) Amendments, by engaging in the
- 23 aforementioned conduct.

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PRAYER

WHEREFORE, Plaintiffs pray for judgment against Defendants, as to all causes of action,
as follows:

1. Plaintiffs demand a jury trial as to the issues so triable;
2. General damages and special damages according to proof;
3. *As against only the individual defendants* and not any municipality, punitive damages as allowed by law;
4. Attorneys fees pursuant to 42 U.S.C. §1988, and any other appropriate statute;
5. Injunctive relief, both preliminary and permanent, as allowed by law, (including preliminary injunctive relief based upon a separate application);
6. Costs of suit incurred herein; and
7. Such further relief as the Court deems just and proper.

Dated: July 30, 2009

THE LAW OFFICES OF SHAWN A. McMILLAN, APC

Shawn A. McMillan, Esq.
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Attorneys for Plaintiffs